

SHELTON MUNICIPAL COURT
Local Court Rules

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ARSMC 1.1.
COURT PROCEEDINGS

Court Proceedings will be conducted with appropriate decorum. The consuming of any food or beverage other than pure water is prohibited. Additionally, appropriate dress will be required. Shorts, tank tops, or exposure of the midriff will not be considered to be acceptable attire.

Additionally, all recording devices, cell phones, text messaging devices and items attached to the internet, other than the court computers, are to be turned off.

No head coverings are allowed unless required by a recognized religious faith.

[Effective September 1, 2009]

ARSMC 1.2
COMMUNITY SERVICE FEE

Anybody who is granted the option of performing community service for substitution of either jail time or fines and or penalties shall pay a twenty dollar (\$20.00) fee to the clerk's office as reimbursement of the administrative cost of overseeing the community service.

[Effective September 1, 2009]

CrRSMC 3.6.1
3.6 HEARINGS

The court shall not set any 3.6 Hearings without the 3.6 Motion being submitted to the court prior and the Judge or the Judge Pro tem reviewing the motion and authorizing the hearing.

[Effective September 1, 2009]

CrRSMC 6.1.1
CONFIRMATION OF JURY TRIAL

1) When a case is set for jury trial, there will be a Jury Status Conference at 8:45 a.m., the Wednesday before the trial is scheduled to begin. That conference shall initially be off the record. The parties shall discuss the case and prepare a stipulation, signed by the Prosecuting Authority, Defense Counsel, and Defendant that supplies the following:

- a) The projected length of the trial and scheduling if the case is going to proceed to trial;
- b) The defense to be offered which will be listed as,
 - i) General denial;
 - ii) Lawful Use of Force;
 - iii) Duress;
 - iv) Insanity
 - v) Diminished Capacity;
 - vi) Alibi;
 - vii) Other, _____;
- c) Any legal issues, discovery issues or evidentiary issues that need to be resolved prior to trial;
- d) Whether the case has been settled or if there are any plea negotiations still being conducted and, without divulging any offers, the likelihood of the case resolving without trial.

2) If the parties have reached a settlement, the court, may in its discretion, allow the settlement to be placed on the record, that day, after nine o'clock. If not, the disposition will be heard on the scheduled jury trial date, with the court setting a backup jury trial date, the following jury trial day. The stipulation form shall contain a waiver of speedy trial, if the case is being placed on for disposition, with a follow up jury trial date.

3) If the parties are unable to agree on the trial issues or whether the case is ready to go to trial, the matter will be placed on the 9 o'clock calendar and be heard as soon as feasible.

4) Failure of the defendant to appear at the Jury Status Conference will result in a bench warrant and the striking of the jury trial date.

5) If a case is confirmed for jury trial and does not proceed to jury trial, such that jurors and witnesses are needlessly brought into court on the date assigned, the Court may impose sanctions including, but not limited to, jury costs, witness fees, and such other terms as the Court may find appropriate and just.

[Effective September 1, 2009]

CrRSMC 6.13.1
EVIDENTIARY HEARINGS

Any party wishing to produce witnesses in any court proceeding other than a Jury or Bench Trial shall provide a minimum of one weeks notice to the court and the opposing party through counsel if the party is represented along with estimation as to the length the hearing will be. Any party failing to comply with this rule may be subject to sanctions and the court rescheduling the hearing to another time to accommodate the length of the hearing.

[Effective September 1, 2009]

IRSMC 2.4.1
TIME PAYMENTS ON INFRACTIONS

Any person who has been served with a notice of infraction and who desires to use option (1) as provided in IRLJ 2.4(b)(1), may either pay the penalty in full or arrange time payments of the monetary penalty with the clerk. The clerk is authorized to enter a finding that the infraction was committed, and make appropriate notations in the court record, relieving the person of any further obligation to appear in court in connection with the infraction, provided the person has responded to the infraction as required and pays the penalty as directed.

[Effective January 1, 2003]

IRSMC 2.4.2
LIABILITY INSURANCE INFRACTIONS

(A) If a person who has been cited with a violation of RCW 46.30.020, as now enacted or hereafter amended, presents to the court clerk evidence that the person had in effect at the time of the citation liability insurance as required by RCW 46.30.020, and that person has had no previous violations of RCW 46.30.020, then the case shall be dismissed and the court clerk shall be authorized to make appropriate notation of the dismissal in the court file provided the person has responded timely to the notice of infraction.

(B) If a person who has been cited with a violation of RCW 46.30.020, as now enacted or hereafter amended, presents to the court clerk evidence that the person had in effect at the time of the citation liability insurance as required by RCW 46.30.020, and that person has had prior violations of RCW 46.30.020, then, upon payment of twenty-five dollars (\$25.00) administrative costs, the case shall be dismissed and the court clerk shall be authorized to make appropriate notation of the dismissal in the court file provided the person has responded timely to the notice of infraction.

(C) If a person charged with violation of RCW 46.30.020, as now enacted or hereafter amended, is able to show evidence that the person has subsequently obtained liability insurance in conformity with the requirements of RCW 46.30.020, and has had no previous violation of the same statute, then the penalty shall be reduced to one hundred and twenty five dollars (\$125.00) and upon payment of the one hundred and twenty five (\$125.00) penalty, or arranging a payment agreement with the clerk, the clerk shall be authorized to enter a finding that the infraction was committed, and make appropriate notations in the court record, and the person will be relieved of any further need to appear in court in connection with the infraction, provided the person has responded to the notice of infraction as required and pays the penalty in full or as set forth by the payment agreement.

(D) If a person has had a previous violation of RCW 46.30.020, then the person must pay the penalty in full or in the alternative request a hearing either to contest or mitigate the notice of infraction within fifteen days of the date the infraction was issued.

(E) The court may, without amendment to this rule, adjust the penalties, fees, or costs to be imposed under this rule, to be proportionate with changes in the statewide bail schedule, fees or costs as changes are made by the Supreme Court or the Washington State Legislature, provided the Presiding Judge so orders and the Order is on file in the office of the Shelton Municipal Court.

[Effective September 1, 2003]

IRSMC 2.4.3
NO VALID OPERATOR'S LICENSE

(A) If a person charged with violation of RCW 46.20.005, No Valid Operators License With Valid Identification, as now enacted or hereafter amended, is able to show proof of subsequently acquiring a valid operators license, then upon payment of One Hundred and One dollars (\$101.00) or arrangement of a payment agreement with the clerk, the citation will be amended to the infraction RCW 46.20.015, No Driver's License on Person with a finding of committed and the court clerk shall be authorized to make appropriate notation in the court file, provided the defendant has responded to the citation as required and pays the penalty in full or as set forth by the payment agreement.

(B) If a person charged with violation of RCW 46.20.015, No Valid Operators License On Person, as now enacted or hereafter amended, is able to subsequently show proof of having a Valid Operators License and has had no previous violations regarding Operator Licenses, then the case shall be dismissed and the court clerk shall be authorized to make appropriate notation of the dismissal in the court file provided the person has responded timely to the notice of infraction.

(C) If a person charged with violation of RCW 46.20.015, No Valid Operators License On

Person, as now enacted or hereafter amended, is able to subsequently show proof of having a Valid Operators License and has had previous violations regarding Operator Licenses, then upon payment of twenty-five dollars (\$25.00) administrative costs, the case shall be dismissed and the court clerk shall be authorized to make appropriate notation of the dismissal in the court file provided the person has responded timely to the notice of infraction.

(D) The court may, without amendment to this rule, adjust the penalties, fees, or costs to be imposed under this rule, to be proportionate with changes in the statewide bail schedule, fees or costs as changes are made by the Supreme Court or the Washington State Legislature, provided the Presiding Judge so orders and the Order is on file in the office of the Shelton Municipal Court.

[Effective September 1, 2003]

IRSMC 2.4.4
EXPIRED VEHICLE LICENSE INFRACTIONS

(A) If a person who has been cited with a violation of RCW 46.16.010 as now enacted or hereafter amended, presents to the court clerk evidence that the person had in effect at the time of the infraction a valid vehicle license as required by RCW 46.16.010 but had failed to display it on the vehicle license plate and that person has had no previous violations of RCW 46.16.010, then the case shall be dismissed and the court clerk shall be authorized to make appropriate notation of the dismissal in the court file provided the person has responded timely to the notice of infraction.

(B) If a person who has been cited with a violation of RCW 46.16.010, as now enacted or hereafter amended, presents to the court clerk evidence that the person had in effect at the time of the infraction a valid vehicle license as required by RCW 46.16.010 but had failed to display it on the vehicle license plate, and the person has had prior violations of RCW 46.16.010, then, upon payment of twenty-five dollars (\$25.00) administrative costs, the case shall be dismissed and the court clerk shall be authorized to make appropriate notation of the dismissal in the court file provided the person has responded timely to the notice of infraction.

(C) If a person charged with violation of RCW 46.16.010, for failure to renew an expired vehicle license, as now enacted or hereafter amended as now enacted or hereafter amended, is able to show evidence that the person has subsequently obtained the vehicle license in conformity with the requirements of RCW 46.16.010, and has had no previous violation of the same statute, then the penalty shall be reduced to one hundred and forty five dollars (\$145.00) if the vehicle license has been expired for over two months and fifty-five dollars (\$55.00) if the vehicle license has been expired for less than two months and upon payment of the penalty, or arrangement of a payment agreement with the clerk, the clerk shall be authorized to enter a finding that the infraction was committed, and make appropriate notations in the court record, and the person will be relieved of any further need to appear in court in connection with the infraction, provided the person has responded to the notice of infraction as required and pays the penalty in full or as set forth in the payment agreement.

(D) If a person has had a previous violation of RCW 46.16.010, as now enacted or hereafter amended, then the person must pay the penalty in full or in the alternative request a hearing either to contest or mitigate the notice of infraction within fifteen days of the date the infraction was issued.

(E) The court may, without amendment to this rule, adjust the penalties, fees, or costs to be imposed under this rule, to be proportionate with changes in the statewide bail schedule, fees or costs as changes are made by the Supreme Court or the Washington State Legislature, provided the Presiding Judge so orders and the Order is on file in the office of the Shelton Municipal Court.

[Effective January 1, 2003]

SMCIR 2.4.5.
EXPIRED VEHICLE LICENSE INFRACTIONS CITY ORDINANCE VIOLATION

(A) If a person who has been cited with a violation of Ordinance 11.24.070, as now enacted or hereafter amended, presents to the court clerk evidence that the person had in effect at the time of the infraction a valid vehicle license as required by RCW 46.16.010 but had failed to display it on the vehicle license plate and that person has had no previous violations of RCW 46.16.010 or Ordinance 11.24.070, then the case shall be dismissed and the court clerk shall be authorized to make appropriate notation of the dismissal in the court file provided the person has responded timely to the notice of infraction.

(B) If a person who has been cited with a violation of Ordinance 11.24.070, as now enacted or hereafter amended, presents to the court clerk evidence that the person had in effect at the time of the infraction a valid vehicle license as required by RCW 46.16.010 but had failed to display it on the vehicle license plate, and the person has had prior violations of RCW 46.16.010 or Ordinance 11.24.070, then, upon payment of ten dollars (\$10.00) administrative costs, the case shall be dismissed and the court clerk shall be authorized to make appropriate notation of the dismissal in the court file provided the person has responded timely to the notice of infraction.

(C) If a person charged with violation of Ordinance 11.24.070, as now enacted or hereafter amended, is able to show evidence that the person has subsequently obtained the vehicle license in conformity with the requirements of RCW 46.16.010, and has had no previous violation of the same statute or Ordinance 11.24.070, then the penalty shall be reduced to fifteen dollars (\$15.00) and upon payment of the penalty, or arrangement of a payment agreement with the clerk, the clerk shall be authorized to enter a finding that the infraction was committed, and make appropriate notations in the court record, and the person will be relieved of any further need to appear in court in connection with the infraction, provided the person has responded to the notice of infraction as required and pays the penalty in full or as set forth in the payment agreement.

(D) If a person has had a previous violation of RCW 46.16.010 or Ordinance 11.24.070, then the person must pay the penalty in full or in the alternative request a hearing either to contest or mitigate the notice of infraction within fifteen days of the date the infraction was issued.

[Effective January 1, 2003]

IRSMC 2.4. 6
PARKING IN A DISABLED SPACE WITHOUT PROPER PARKING PLACARD

If a person charged with violation of city ordinance 11.24.120 or RCW 46.16.381, for parking in disabled space without proper parking placard, license plate or picture identification. as now enacted or hereafter amended, presents to the court clerk evidence that the person had in effect at the time of citation the required parking placard, and an identification card bearing picture, name and date of birth of the permit holder, as well as the placard's serial number, then the infraction shall be dismissed and the court clerk shall be authorized to make appropriate notation of the dismissal in court records.

[Effective September 1, 2003]

IRSMC 2.6.(A) (2)
INFRACTION WITNESS FEES

In an infraction or other non-criminal proceeding, the party requesting the witness shall pay the witness fees and mileage expenses due that witness. Any person who requests production of an electronic speed measuring device expert, and who is thereafter found by the court to have committed the infraction, shall be required to pay the fee charged by the expert as a cost incurred by the party.

[Effective September 1, 2009]

IRSMC 2.4.7.
FAILURE TO LICENSE DOG

(A) If a person who has been cited with a violation of Ordinance 7.04.030, as now enacted or hereafter amended, presents to the court clerk evidence that the person had in effect at the time of the infraction a valid license for the person's dog as required by Ordinance 7.04.030 but had failed to display it on the dog and that person has had no previous violations of Ordinance 7.04.030, then the case shall be dismissed and the court clerk shall be authorized to make appropriate notation of the dismissal in the court file provided the person has responded timely to the notice of infraction.

(B) If a person who has been cited with a violation of Ordinance 7.04.030, as now enacted or hereafter amended, presents to the court clerk evidence that the person had in effect at the time of the infraction a valid license for the dog as required by Ordinance 7.04.030 but had failed to display it on the dog, and the person has had prior violations of Ordinance 7.04.030, then, upon payment of twenty-five dollars (\$25.00) administrative

costs, the case shall be dismissed and the court clerk shall be authorized to make appropriate notation of the dismissal in the court file provided the person has responded timely to the notice of infraction and pays the penalty in full or as set forth in the payment agreement.

(C) If a person charged with violation of Ordinance 7.04.030, as now enacted or hereafter amended, is able to show evidence that the person has subsequently obtained a valid license for the dog in conformity with the requirements of Ordinance 7.04.030, and has had no previous violation of Ordinance 7.04.030, then the penalty shall be reduced to fifty-five dollars (\$55.00) and upon payment of the penalty, or arrangement of a payment agreement with the clerk, the clerk shall be authorized to enter a finding that the infraction was committed, and make appropriate notations in the court record, and the person will be relieved of any further need to appear in court in connection with the infraction, provided the person has responded to the notice of infraction as required and pays the penalty in full or as set forth in the payment agreement.

(D) If a person has had a previous violation of Ordinance 7.04.030, as now enacted or hereafter amended, then the person must pay the penalty in full or in the alternative request a hearing either to contest or mitigate the notice of infraction within fifteen days of the date the infraction was issued.

(E) The court may, without amendment to this rule, adjust the penalties, fees, or costs to be imposed under this rule, to be proportionate with changes in the fees or costs as changes are made by the Washington State Legislature, provided the Presiding Judge so orders and the Order is on file in the office of the Shelton Municipal Court.

[Effective September 1, 2003]

IRSMC RULE 3.5
DECISION ON WRITTEN STATEMENTS

Pursuant to IRLJ 3.5, the court is authorized to enter decisions based upon written statements on infraction cases involving contested and mitigation hearings and requests for deferred findings. Such written statements may be submitted to the court for consideration either by mail or email by the respondent but must certify or declare under penalty of perjury that the statement is true and must contain a statement that if it is determined that the respondent committed the cited infraction, the respondent promises to pay the monetary penalty authorized by law and assessed by the court.

(A) Generally. In infraction cases where the respondent has requested, the court will conduct a mitigation hearing as authorized by RCW 46.63.100 as now enacted or hereafter amended, or consider a petition to defer the finding, or conduct a contested hearing based upon the upon the written statements of the City's witness(es) if provided, and the Respondent, pursuant to IRLJ 3.5.

The examination shall take place within 90 days after the respondent filed the response to the notice of infraction. The examination may be held in chambers and shall not be governed by the Rules of Evidence.

(B) Factual Determination. In contested cases, the court shall determine whether the plaintiff has proved by a preponderance of all evidence submitted that the defendant has committed the infraction.

(C) A petition for a deferred finding which is denied by the Court will be treated as a request for a mitigation hearing on written statements.

(D) Disposition. If the court determines that the infraction has been committed, or the review was based upon a request for mitigation or a deferred finding, the court may assess a penalty in accordance with rule 3.3.

(E) Notice to Parties. The court shall notify the parties in writing whether an infraction was found to have been committed and/or what penalty, if any, was imposed.

(F) No Appeal Permitted. There shall be no appeal from a decision on written statements.

[Effective September 1, 2003.]
